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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/019,971      | 04/12/2002  | Jeremy Malpas        | SFL-1               | 7452             |

7590 09/30/2003

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EXAMINER

COLE, ELIZABETH M

ART UNIT PAPER NUMBER

1771

DATE MAILED: 09/30/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

|                              |                               |                               |  |
|------------------------------|-------------------------------|-------------------------------|--|
| <b>Office Action Summary</b> | Application No.<br>10/019,971 | Applicant(s)<br>MALPAS ET AL. |  |
|                              | Examiner<br>Elizabeth M Cole  | Art Unit<br>1771              |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

### Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All   b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)                      4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)                      5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_                      6) ☐ Other:

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1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-3, 7, 20-25 are rejected under 35 U.S.C. 102(b) as being anticipated by Obayashi et al, U.S. Patent No. 4,749,625. Obayashi et al discloses a multi-layered material which may comprise corrosion resistant metal alloys which may be formed into ribbons and woven into fabrics. See col. 3, lines 36-39. The material may further comprise plural woven reinforcing layers of multifilament yarns. The yarns may comprise metallic fibers. See col. 8, lines 10-39. The fabric is preferably woven in a plain weave, which is a fabric wherein the warp and weft are at right angles to each other. See col. 8, lines 30-39. A coating layer may be applied to the material. The coating material may comprise polyurethane, rubbers, polyvinylidene fluoride, and PTFE. See col. 5, lines 53-59 and col. 4, lines 30-40. The coating may be applied by any conventional method including topping, coating, dipping, laminating, extrusion coating, spraying or calendaring. See col. 15, lines 1-3.

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-17, 19-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Obayashi et al, U.S. Patent No. 4,749,625 in view of Massey, U.S. Patent No.

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4,431,316. Obayashi et al discloses a multi-layered material as set forth above.

Obayashi et al differs from the claimed invention because Obayashi does not disclose the claimed size of the filaments or the interstices of the fabric and does not disclose disposing the different fabric layers in angular relation. With regard to the claimed size of the filaments and interstices, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have selected the size of the interstices and fibers which produced a suitably strong fabric through the process of routine experimentation since the size of both the interstices and the fibers would be directly related to the strength and durability of the fabric. With regard to the different fabric layers being disposed in angular relation to each other, Massey discloses a fabric which comprises first and second woven layers and an intervening polymeric layer. Massey discloses that the fabric layers may be disposed at an angular relation to each other in order enhance the strength of the fabric. Massey also teaches that fabrics comprising metallic fiber layers and polymeric layers may be employed as containers for various goods because of their excellent shielding properties. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have disposed the fabric layers of Obayashi so that they were at angles to each other. One of ordinary skill in the art would have been motivated to dispose the fabrics at angles to each other in order to enhance the strength of the overall fabric. It further would have been obvious to one of ordinary skill in the art to have formed the Obayashi material into containers for good because of the excellent shielding properties of the fabric, which Massey teaches is desirable.

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5. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Obayashi in view Massey as applied to claims 1-17, 19-28 above, and further in view of JP 67006678. Neither Obayashi nor Massey teach applying a coating to the metal fibers to prevent corrosion of the fibers. JP '678 teaches that a corrosion resistant coating may be applied to metal fibers which are used protective materials in order to protect the fibers from corrosion. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have applied a corrosion resistant coating to the fibers of Obayashi, motivated by the expectation that this would further protect the fibers.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elizabeth M. Cole whose telephone number is (703) 308-0037. The examiner may be reached between 6:30 AM and 6:00 PM Monday through Wednesday, and 6:30 AM and 2 PM on Thursday.

Mr. Terrel Morris, the examiner's supervisor, may be reached at (703) 308-2414.

Inquiries of a general nature may be directed to the Group Receptionist whose telephone number is (703) 308-0661.

The fax number for official faxes is (703) 872-9310. The fax number for official after final faxes is (703) 872-9311. The fax number for unofficial faxes is (703) 305-5436.



Elizabeth M. Cole  
Primary Examiner  
Art Unit 1771

e.m.c